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HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: *Kimberly Hughes* Date: *July 16, 2004*  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**  
JUL 26 2004  
TECHNOLOGY CENTER R3700

In Re Patent Application Of: :  
Diao Xu *et al.* :  
Conf. No.: 7264 : Group Art Unit: 3753  
Appln. No.: 10/043,761 : Examiner: John C. Fox  
Filing Date: January 10, 2002 : Attorney Docket No.: 9346-018US  
Title: MICROVALVE DEVICES : (TW/PSC/I.4929)

**NOTICE OF APPEAL FROM PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Decision dated January 16, 2004, Paper No. 9, of the Primary Examiner finally rejecting claims 2-4 and 12-18.

The item(s) checked below are appropriate:

- ☒ [X] A Petition for Extension of Time with extension fee for three month(s) to July 16, 2004 to respond to the final rejection was filed on July 15, 2004.
- ☐ [ ] A Petition for Extension of Time for month(s) to file the Notice of Appeal and the requisite extension fee in the amount of \$ are enclosed.
- ☐ [ ] Notice of Appeal fee is enclosed (if applicable)
  - ☒ [X] \$165.00 - Small Entity has been previously established in this case.
  - ☐ [ ] \$330.00.
  - ☐ [ ] Not required (fee paid in prior appeal).
- ☐ [ ] An oral hearing before the Board of Appeals is respectfully requested. Requisite fee is enclosed.
  - ☐ [ ] \$145.00 - Small Entity has been previously established in this case.
  - ☐ [ ] \$290.00.
- ☒ [X] Our firm's check in the amount of \$165.00 is enclosed.

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[X] The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (**Billing No. 209346.0018**) for any overpayments or deficiencies in the above-calculated fee. A duplicate copy of this notice is enclosed.

Respectfully submitted,

**DIAO XU et al.**

July 15, 2004 By: Richard A. Wolden, Reg No. 39,879  
(Date) for **MARTIN G. BELISARIO**  
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